



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/676,979

10/01/2003

Charles Alan Ludwig

MS1-1708US

7717

22801 7590 04/03/2009

LEE & HAYES, PLLC  
601 W. RIVERSIDE AVENUE  
SUITE 1400  
SPOKANE, WA 99201

EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,979	<b>Applicant(s)</b> LUDWIG ET AL.	
	<b>Examiner</b> GIRUMSEW WENDMAGEGN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9, 12-22, 25-28 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 10, 11, 23, 24 and 29, 36-54 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 30-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/08; 4/26/04; 1/20/04; 10/1/03</u>                       | 6) <input type="checkbox"/> Other: _____                          |



**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim1, 2, 11, 23, 24, 29** is rejected under 35 U.S.C. 102(b) as being anticipated by McGrath et al (Pub No US 2002/0122659).

Regarding claim1, 11, McGrath et al (hereinafter McGrath) anticipates a processor-readable medium comprising processor-executable instructions configured for: receiving an instruction specifying additional per-frame DV metadata to extract from a DV data stream; and extracting the metadata from a DV frame of the DV data stream in response to the instruction (see paragraph 0036, extracting additional metadata frame-by-frame basis see also paragraph 0043, 0074).

Regarding claim2, McGrath anticipates a processor-readable medium as recited in claim 1, comprising further processor-executable instructions configured for: storing the metadata in a container; and attaching the container to a video sample of the DV frame (see figure2-5, paragraph 0043, 0074-0075).

Regarding claim6, 24, McGrath anticipates a processor-readable medium as recited in claim 2, comprising further processor-executable instructions configured for managing the container (see paragraph 0043, 0074-0075).

Regarding claim23, McGrath anticipates a method comprising: receiving an instruction to extract DV metadata from a DV data stream; extracting the metadata from the DV data stream in response to the instruction (see paragraph 0036, extracting additional metadata frame-by-frame basis see also paragraph 0043, 0074); storing the metadata in a container; and attaching the container to a video sample of the DV data stream (see figure2-5, paragraph 0043, 0074-0075).

Regarding claim29, McGrath anticipates a computer comprising a DV metadata extraction tool configured to extract metadata from a DV frame and enable access to the metadata (see paragraph 0036, extracting additional metadata frame-by-frame basis see also paragraph 0043, 0074).

**Claim36, 37, 42, 52-54** is rejected under 35 U.S.C. 102(b) as being anticipated by Lizuka et al (Patent No US 5,845,044).

Regarding claim36, Lizuka et al (hereinafter Lizuka) anticipates processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_CONTROL\_CASSETTE ID pack, the data structure comprising: a

Art Unit: 2621

MicError field having data unpacked from a second byte of the pack (see figure7A, ME); a MultiBytes field having data unpacked from the second byte of the pack (see figure7A, Multi-bytes); a MemoryType field having data unpacked from a second byte of the pack (see figure7A, mem type); a Memory Size Of Space0 field having data unpacked from a third byte of the pack (see figure7A Memory Size Of Space 0); a Memory Size Of Last BlankInSpace1 field having data unpacked from the third byte of the pack (see figure7A M.S.L.B.S); a MemoryBankNumberOfSpace 1 field having data unpacked from a fourth byte of the pack (see figure7A ,memory bank No. o Space 1); and a TapeThickness field having data unpacked from a fifth byte of the pack (see figure7A Thick 1, Thick 1/10).

Regarding claim37, Lizuka anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_CONTROL\_TAPE\_LENGTH pack, the data structure comprising: a TapeLength field having data unpacked from bytes 2 through 4 of the pack (see figure7B, Tape Length).

Regarding claim42, Lizuka anticipates processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_PROGRAM\_REC\_DTIME pack, the data structure comprising: a RecordingMode field having data unpacked from a second byte of the pack (see figure8A, RM); a Minutes field having data unpacked from the second byte of the pack (see figure8A, minutes); a Week field having data unpacked from a third byte of the pack (see figure8A, Week); an Hours field

Art Unit: 2621

having data unpacked from the third byte of the pack (see figure8A, hours); a Year field having data unpacked from a fourth and fifth byte of the pack (see figure8A ,MSB  $\leftarrow$ year  $\rightarrow$ LSB); a Day field having data unpacked from the fourth byte of the pack (see figure8A, Day); and a Month field having data unpacked from the fifth byte of the pack (see figure8A, Month).

Regarding claim52, Lizuka anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_CAMERA\_CONSUMER\_CAMERA\_1 pack, the data structure comprising: an Iris field having data unpacked from a second byte of the pack (see figure8B, Iris Position); an AEMode field having data unpacked from a third byte of the pack (see figure8B, AE mode); an AGC field having data unpacked from the third byte of the pack (see figure8B, AGC); a WBMode field having data unpacked from a fourth byte of the pack (see figure8B White Balance); a WhiteBalance field having data unpacked from the fourth byte of the pack (see figure8B White Balance); a FocusMode field having data unpacked from a fifth byte of the pack (see figure8B,Focus position); and a FocusPosition field having data unpacked from the fifth byte of the pack (see figure8B,Focus position).

Regarding claim53, Lizuka anticipates processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_CAMERA\_CONSUMER\_CAMERA\_2 pack, the data structure comprising: a Vertical Panning Direction field having data unpacked from a second byte of the pack (see figure8C, V

Art Unit: 2621

Panning); a VerticalPanningSpeed field having data unpacked from the second byte of the pack (see figure8C, V Panning); an Image Stabilizer field having data unpacked from a third byte of the pack (see figure8C, IS); a Horizontal Panning Direction field having data unpacked from the third byte of the pack (see figure8C, H Panning); a HorizontalPanningSpeed field having data unpacked from the third byte of the pack (see figure8C, H Panning); a FocalLength field having data unpacked from a fourth byte of the pack (see figure8C, Focal Length); a ZoomEnable field having data unpacked from a fifth byte of the pack (see figure8C, ZEN); and an ElectricZoom field having data unpacked from the fifth byte of the pack (see figure8C, E-Zoom).

Regarding claim54, Lizuka anticipates processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_CAMERA\_SHUTTER pack, the data structure comprising: a ShutterSpeed field having data unpacked from a fourth and fifth byte of the pack (see figure12B, Shutter speed); an UpperLineSpeed field having data unpacked from a second byte of the pack (see figure12B, Shutter speed 1); and a LowerLinerSpeed field having data unpacked from a third byte of the pack (see figure12B, shutter Speed 2).

**Claim38** is rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al (Patent No US 5, 646,796).

Regarding claim38, Kimura et al (hereinafter Kimura) anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte



Art Unit: 2621

DV\_METADATA\_TEXT\_HEADER pack, the data structure comprising: a TotalTextData field having data unpacked from a second and third byte of the pack (see figure14B) ; a TextType field having data unpacked from the third byte of the pack (see figure14B, Text Type); an OptionNumber field having data unpacked from the third byte of the pack (see figure14B), a TextCode field having data unpacked from a fourth byte of the pack (see figure14B, Text Code); an AreaNumber field having data unpacked from a fifth byte of the pack (see figure14B area No.); and a TopicTag field having data unpacked from the fifth byte of the pack (see figure14B, Topic Tag).

**Claim39** is rejected under 35 U.S.C. 102(b) as being anticipated by Lizuka et al (Patent No US 6, 570,728).

Regarding claim39, Lizuka anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_TAG pack, the data structure comprising: an AbsoluteTrackNumber field having data unpacked from a second, third, and fourth byte of the pack (see12A, Absolute Track No.); a BlankFlag field having data unpacked from the second byte of the pack (see figure12A); a TextFlag field having data unpacked from a fifth byte of the pack (see figure12A, TEXT); a TemporaryTrue field having data unpacked from the fifth byte of the pack (see figure12A) ; a HoldFlag field having data unpacked from the fifth byte of the pack (see figure12A) ; and a TagID field having data unpacked from the fifth byte of the pack (see figure12A, TAG ID).

**Claim40, 45, 46, 49** is rejected under 35 U.S.C. 102(b) as being anticipated by Oguro et al (Patent No US 5, 712,947).

Regarding claim40, 46, Oguro et al (hereinafter Oguro) anticipates processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_TITLE\_TIME\_CODE pack, the data structure comprising: a Blank Flag field having data unpacked from a second byte of the pack (see figure30); a Tens of Frames field having data unpacked from the second byte of the pack (see figure30, Tens of FR.); a Units of Frames field having data unpacked from the second byte of the pack (see figure30, Unit of Frames); a Tens of Seconds field having- data unpacked from a third byte of the pack (see figure30, Tens of Seconds); a Units of Seconds field having data unpacked from the third byte of the pack (see figure30, Unit of seconds); a Tens of Minutes field having data unpacked from a fourth byte of the pack (see figure30, Tens of Minutes); a Units of Minutes field having data unpacked from the fourth byte of the pack (see figure30, Tens of Minutes) ; a Tens of Hours field having data unpacked from a fifth byte of the pack (see figure30, Tens of H.); and a Units of Hours field having data unpacked from the fifth byte of the pack (see figure30, Units of Hours).

Regarding claim45, Oguro anticipates a processor-readable medium having stored thereon a data structure representing a 5'byte pack, the data structure comprising: a DaylightSavingsTime field having data unpacked from a second byte of the pack (see figure28c, DS); a ThirtyMinutesFlag field having data unpacked from the

Art Unit: 2621

second byte of the pack (see figure28c, TM); a Tens of Time Zone field having data unpacked from the second byte of the pack (see figure28c Time Zone); a Units of Time Zone field having data unpacked from the second byte of the pack (see figure28c time zone); a Tens of Day field having data unpacked from a third byte of the pack (see figure28C, DAY); a Units of Day field having data unpacked from the third byte of the pack (see figure28C, DAY); a Week field having data unpacked from a fourth byte of the pack (see figure28C, WEEK); a Tens of Month field having data unpacked from the fourth byte of the pack (see figure28C, WEEK); a Units of Month field having data unpacked from the fourth byte of the pack (see figure28C, Month); a Tens of Year field having data unpacked from a fifth byte of the pack; and a Units of Year field having data unpacked from the fifth byte of the pack (see figure28C, Month).

Regarding claim49, Oguro anticipates processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_VAUX\_SOURCE pack, the data structure comprising: a Tens of TV Channel field having data unpacked from a second byte of the pack (see figure28A, Tens of TV channel field); a Units of TV Channel field having data unpacked from the second byte of the pack (see figure28A, Unit of TV channel) ; a B/W field having data unpacked from a third byte of the pack (see figure28A, B/W field); an Enable Color field having data unpacked from the third byte of the pack (see figure28A, EN); a Color Frames Identification field having data unpacked from the third byte of the pack (see figure28A, CLF); a Hundreds of TV Channel field having data unpacked from the third byte of the pack (see figure28A,

Art Unit: 2621

Hundreds of TV channel); a Source Code field having data unpacked from a fourth byte of the pack (see figure28A, Source Code); a 50/60 field having data unpacked from the fourth byte of the pack (see figure28A, 50/60); a Signal Type field having data unpacked from the fourth byte of the pack (see figure38A, SType) ; and a Tuner Category field having data unpacked from a fifth byte of the pack (see figure28A, Tuner Category).

**Claim41, 43, 44, 47, 48, 51** is rejected under 35 U.S.C. 102(b) as being anticipated by Tsujimura et al (Patent No US 6,009,233).

Regarding claim41, Tsujimura et al (hereinafter Tsujimura) anticipates processor-readable medium having stored thereon a data structure representing a 5-byte pack, the data structure comprising: a BinaryGroup2 field having data unpacked from a second byte of the pack (see figure17A, 2<sup>nd</sup> binary); a BinaryGroup1 field having data unpacked from the second byte of the pack (see figure17A, 1<sup>st</sup> Binary); a BinaryGroup4 field having data unpacked from a third byte of the pack (see figure17A, 4<sup>th</sup> Binary); a BinaryGroup3 field having data unpacked from the third byte of the pack (see figure17A, 3<sup>rd</sup> Binary); a BinaryGroup6 field having data unpacked from a fourth byte of the pack (see figure17A, 6<sup>th</sup> Binary); a BinaryGroup5 field having data unpacked from the fourth byte of the pack (see figure17A, 5<sup>th</sup> Binary); a BinaryGroup8 field having data unpacked from a fifth byte of the pack (see figure17A, 8th Binary); and a BinaryGroup7 field having data unpacked from the fifth byte of the pack (see figure17A, 7<sup>th</sup> Binary).

Art Unit: 2621

Regarding claim43, Tsujimura anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_AAUX\_SOURCE pack, the data structure comprising: a LockedFlag field having data unpacked from a second byte of the pack (see figure15A, LF); an AudioFrameSize field having data unpacked from the second byte of the pack (see figure15A, AF size); a StereoMode field having data unpacked from a third byte of the pack (see figure15A) ; a Channel field having data unpacked from the third byte of the pack (see figure15A, CH); a PairBit field having data unpacked from the third byte of the pack (see figure15A, PA); an AudioMode field having data unpacked from the third byte of the Pack (see figure15A, Audio Mode); a MulfiLanguage field having data unpacked from a fourth byte of the pack (see figure15A); a FiftySixty field having data unpacked from the fourth byte of the pack (see figure15A, 50/60); a SystemType field having data unpacked from the fourth byte of the pack; an Emphasis field having data unpacked from a fifth byte of the pack (see figure15A, SType); a TimeConstant field having data unpacked from the fifth byte of the pack (see figure15A, EF); a SamplingFrequency field having data unpacked from the fifth byte of the pack (see figure15A, TC); and a Quantization field having data unpacked from the fifth byte of the pack (see figure15A, QU).

Regarding claim44, Tsujimura anticipates a processor-readable medium having stored thereon a data structure representing a 5-byteDV\_METADATA\_AAUX\_SOURCE\_CONTROL pack, the data structure comprising: a Copy Generation ManagementSystem field having data unpacked from a second byte of the pack (see figure15B, copy Gene.); an InputSource field having data unpacked from the second

Art Unit: 2621

byte of the pack (see figure15B, Copy Source) ; a Compression field having data unpacked from the second byte of the pack (see figure15B, CP); a SourceSituation field having data unpacked from the second byte of the pack ( see figure15B,SCMS); a RecordingStart field having data unpacked from a third byte of the pack (see figure15B, Rec ST.); a RecordingEnd field having data unpacked from the third byte of the pack (see figure15B, Rec E.); a RecordMode field having data unpacked from the third byte of the pack (see figure15B, Rec Mode); an InsertChannel field having data unpacked from the third byte of the pack (see figure15B); a DirectionFlag field having data unpacked from a fourth byte of the pack (see figure15B, DRF); a PlaybackSpeed field having data unpacked from the fourth byte of the pack (see figure15B, Speed); and a GenreCategory field having data unpacked from a fifth byte of the pack (see figure15B Genre Category).

Regarding claim47, Tsujimura anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_AAUX\_CLOSED\_CAPTION pack, the data structure comprising: a MainAudioLanguage field having data unpacked from a second byte of the pack (see figure16A, main audio Lang); a MainAudioType field having data unpacked from the second byte of the pack (see figure16A, main audio type); a SecondAudioLanguage field having data unpacked from a third byte of the pack (see figure16A, 2<sup>nd</sup> audio Lang); and a SecondAudioType field having data unpacked from the third byte of the pack (see figure16A, 2<sup>nd</sup> audio Type).

Regarding claim48, Tsujimura anticipates processor-readable medium having stored thereon a data structure representing a 5-byte pack, the data structure comprising: a Data field having data unpacked from a second byte through a fifth byte of the pack (see figure33, DATA); and a DataType field having data unpacked from the second byte of the pack (see figure 33, DATA TYPE).

Regarding claim51, Tsujimura anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_VAUX\_CLOSED\_CAPTION pack, the data structure comprising: a FirstFieldFirstByte field having data unpacked from a second byte of the pack (see figure17B, 1<sup>st</sup> field Line Upper Byte); a FirstFieldSecondByte field having data unpacked from a third byte of the pack (see figure17B, 1<sup>st</sup> field Lower Byte); a SecondFieldFirstByte field having data unpacked from a fourth byte of the pack (see figure17B, 2<sup>nd</sup> field Line Upper Byte); and a SecondFieldSecondByte field having data unpacked from a fifth byte of the pack (see figure17B, 2<sup>nd</sup> field line Lower Byte).

**Claim50** is rejected under 35 U.S.C. 102(b) as being anticipated by Okuyama et al (Patent No US 6,256,390).

Regarding claim50, Okuyama et al (hereinafter Okuyama) anticipates a processor-readable medium having stored thereon a data structure representing a 5-byte DV\_METADATA\_VAUX\_SOURCE\_CONTROL pack, the data structure

Art Unit: 2621

comprising: a CopyGenerationManagementSystem field having data unpacked from a second byte of the pack (see figure10, CGMS); a JustPreviousInput field having data unpacked from the second byte of the pack (see figure10, ISR); a Compression field having data unpacked from the second byte of the pack (see figure10, CMP) ; a Source Situation field having data unpacked from the second byte of the pack (see figure10, SS); a RecordStart field having data unpacked from a third byte of the pack (see figure10 Rec ST); a RecordMode field having data unpacked from the third byte of the pack (see figure10 Rec Mode) ; a DisplaySelect field having data unpacked from the third byte of the pack (see figure10, Disp); a Frame Field field having data unpacked from a fourth byte of the pack (see figure10, FF); a FirstSecond field having data unpacked from the fourth byte of the pack (see figure10, FS) ; a FrameChange field having data unpacked from the fourth byte of the pack (see figure10, FC); an Interlace field having data unpacked from the fourth byte of the pack (see figure10, IL); a StillField field having data unpacked from the fourth byte of the pack (see figure10, ST); a StillCamera field having data unpacked from the fourth byte of the pack (see figure10, SC); a BroadcastSystem field having data unpacked from the fourth byte of the pack (see figure10, BCSYS); and a GenreCategory field having data unpacked from a fifth byte of the pack (see figure10, Genre category).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



Art Unit: 2621

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim10** is rejected under 35 U.S.C. 103(a) as being unpatentable over McGrath et al (Pub No US 2002/0122659) as applied to claim 1, 2, 11, 23, 24, 29 above, and further in view of Debique et al (Pub No US 2005/0030980).

Regarding claim10, see the teaching of McGrath above. McGrath does not teach demultiplexing the DV frame to generate the video sample and an audio sample. However Debique teaches demultiplexing DV to generate audio and video (see paragraph 0042; figure3).

One of ordinary skill in the art at the time the invention was made would have been motivated to demultiplex DV to generate audio and video as in Debique in to McGrath because it would allow the user to generate elementary stream data (see Debique abstract).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

#### ***Allowable Subject Matter***

Claim7-9, 12-22, 25-28 allowed.

Claim3-5, 30-35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/

Examiner, Art Unit 2621

Application/Control Number: 10/676,979  
Art Unit: 2621

Page 17